

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Haochuan Jiang

Serial No.: 10/605,575

Group Art Unit: 1731

Filed: 10/09/2003

Examiner: John M. Hoffmann

For: POST PATIENT COLLIMATOR ASSEMBLY

Our Reference No: GEMS 0216 PUS

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11/13/2009

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Karen Hopf

Karen A. Hopf

REPLY TO EXAMINER'S ANSWER

Board of Patent Appeals and Interferences
United States Patent and Trademark Office
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

This Reply is to the Examiner's Answer mailed on November 13, 2008. The Examiner has gratefully removed the rejections of Claims 1-4, 6-8 and 10-11. The Examiner has found these claims allowable.

Appellants Reply to the Response to Argument Section

In the Examiner's Response to Arguments section on page 5 of the Examiner's Answer, the Examiner rejects the Applicants brief as failing to produce evidence of support for A) the original application discloses "tailoring" or that well-known performance characteristics are the claimed "varied collimating characteristics", and that B) there is no support for the genus of "high-z" powder. The Applicant would like to briefly address these two issues to assist the Board in a efficient decision.

A) "Tailoring" and "Varied Collimating Characteristics"

The Examiner argues that the Applicant has failed to produce actual evidence in support of the terms in Claim 9 being "tailoring" or "varied collimating". The Examiner does not believe the Applicant's reference to paragraphs [21-22] of the specification as originally filed was sufficient. For clarification alone, the Applicant calls the Board's attention back to paragraph [22]. The paragraph clearly recites that the block is cut across the fiber axis and it is cut to a desired depth:

The disc 44 is preferably cut to a desired collimator depth 48

Cutting to a desired depth would be understood by one skilled in the art to have an effect on the collimator's performance. As a matter of fact, depth of the collimator has traditionally been a standard adjustment to effect performance. This is dictated by the very physics involved in each and every collimator assembly. The present invention provides a block 36 from which discs 44 may be sliced off. This allows collimators of different collimator depth 48 to be sliced from the same block. One skilled in the art would understand this as what is described in paragraphs [21-23]. The section further states:

The disc 44 may be cut at an angle to provide a tilting design....

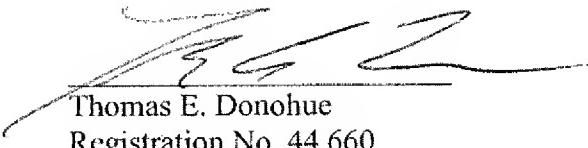
Again, one skilled in the art who understood that the depth of a collimator effects its performance characteristics would clearly understand that slicing at an angle would cause varied depth and resultant varied characteristics. The Applicant seeks the Board's decision on the relative positions of the Applicant and the Examiner regarding this argument.

B) The Genus of "High-Z Powder"

The Examiner argues that the Applicant has not presented adequate evidence in support of "high-z powder". The first paragraph of the Description of the Preferred Embodiment clearly describes, which is undisputed, a collimator 14 comprised of "high-z glass". The paragraph immediately follows with a list of materials which are ALL high-Z materials and indicates that the collimator 14 is comprised of any of the listed materials. It is well understood that glass is fused silicates. The sentences of paragraph [19] would be clear to one skilled in the art as describing adulterated glass containing high-z materials. The next sentence clearly recites tungsten powder sintered into the glass. It was the intent of the application to describe materials and powdered material being sintered in to the glass. The use of tungsten powder as an example was simply one of the preferred embodiments. The Board is requested as to read the opening paragraph [19] and decide if the Examiner's rejection is overly formulaic and literal as opposed to whether the paragraph as a whole would be clear to one skilled in the art that any of the cited high-Z materials could be substituted for the particular preferred embodiment of tungsten powder.

Accordingly, for these additional reasons, Appellants respectfully request this Board to reverse the final rejection of all remaining claims and allow the application to proceed forward to grant.

Respectfully submitted,



Thomas E. Donohue
Registration No. 44,660
Attorney for Appellant
Dickinson Wright PLLC
38525 Woodward Avenue, Suite 2000
Bloomfield Hills, MI 48304-5092
(248) 433-7200

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